

## **REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, new claim 6 has been added. Thus, claims 1-6 are currently pending in the application and subject to examination.

In the Office Action mailed September 14, 2004, the Examiner rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,289,036 to Saito et al. ("Saito") in view of U.S. Patent No. 6,571,097 to Moriyama, et al. ("Moriyama"). The Applicant hereby traverses the rejection, as follows.

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being anticipated by Saito in view of Moriyama. The Office Action asserts that Saito teaches every feature of the invention of claim 1, with the exception of supplying the selected reception signal to a signal processor arranged subsequent to the antenna switching device. The Office Action cites Moriyama to cure this deficiency.

Saito teaches a communications apparatus including two antennas to be used in spread spectrum communication. The communications apparatus as shown in FIG. 5 includes antennas 111, 112; detectors 122, 124, 126, 128; and a control unit 118 for switching between the antennas 111, 112. The control unit 118 switches between the antennas 111, 112 based on the signal S1-1 supplied from the first wave detector 124, and the signal S8 supplied from the second wave detector 122. In a case where the signal S1-1 supplied from the first wave detector 124 becomes equal to or lower than a first threshold level, or in a case where the signal S8 supplied from the second wave detector 122 becomes equal to or lower than a second threshold level, the control unit

118 performs a switching of the antenna used. The signal S8 is also used as a control signal S2 for a variable amplifier 116. See, for example, Saito FIGS. 4-5 and col. 4, lines 5-25.

In a discussion of Prior Art, Moriyama teaches a conventional diversity receiver. The diversity receiver includes two antennas 91-1 and 91-2, and a switch 93 for selecting one of the antennas. In FIG. 10 of Moriyama, a receiving part 94 measures the level of the selected reception wave and supplies a measurement result to a level comparing part 92. The level comparing part 92 compares the reception wave level with a prescribed lower limit value, and requests the switch 93 to select the other reception wave when the reception wave level becomes lower than the lower limit value.

The Applicant notes that Saito teaches that, in the case where the signal S1 is below a first threshold level, or in the case where the signal S2 is below a second threshold level, a switching of the antennas is performed. Thus, both the first threshold level and the second threshold level are minimum threshold levels. In contrast, the present invention teaches a maximum input level, or maximum threshold level. An antenna is selected such that the signal is below the maximum threshold level. Saito therefore does not teach or suggest selecting "a reception signal having a lower level than a maximum input level of the signal processor," as recited in claim 1 of the present invention. Furthermore, Moriyama teaches only lower limit values, or minimum threshold levels. Moriyama does not teach maximum threshold levels. Therefore, Moriyama does not teach or suggest the feature of selecting "a reception signal having a lower level than a maximum input level of the signal processor," as recited in claim 1 of the present invention.

For at least this reason, Applicants submit that claim 1 is allowable over the cited prior art. As claim 1 is allowable, Applicants submit that claims 2-5, which depend from allowable claim 1, are likewise allowable over the cited prior art.

Also, similarly to as discussed above with regard to claim 1, Applicants submit that new claim 6 is allowable over the cited prior art at least because the cited prior art does not disclose or suggest at least the limitation of “selecting one antenna from the plurality of antennas, the reception signal from the selected antenna having a lower level than a maximum input level of a signal processor”, as recited in new claim 6.

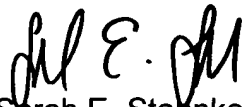
For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300.

Respectfully submitted,

Arent Fox PLLC

A handwritten signature in black ink, appearing to read 'Sarah E. Stahnke', with a stylized flourish at the end.

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